

1 to Ct

MARCIA M. WALDRON
CLERK

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE
215-597-2995

Harrisburg Clerk of District Court
(District)

Date 4/30/03

Prince v. Kyler et al.
(Caption)

C. of A. No. 02-3406

James R. Prince
(Appellant)

RECEIVED

00-cv-01181
(D.C. No.)

J. Kane

MAY 05 2003

Enclosures:

MARY E. D'ANDREA, CLERK

4/30/03 Certified copy of C. of A. Order by the Court/Clerk
(Date)

_____ Released (Record) (Supplemental Record - First - Second - Third)

_____ Copy of this form to acknowledge receipt and return to C. of A.

_____ Record not released at this time until appeal(s) closed at No.(s) _____

_____ Please forward Certified List in Lieu of Record to this office.

_____ The certified copy of order issued as the mandate on _____
is recalled.

ack'd

5-5-03

Charlene Crisden (267)-299-4923

Deputy Clerk

Telephone Number

Rev. 3/13/00

Appeals (Certified List in Lieu of Record)

BPS-186

April 24, 2003

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 02-3406

JAMES R. PRINCE

VS.

KENNETH D. KYLER, ET AL.

(M.D. PA. CIV. NO. 00-CV-01181)

Present: SCIRICA, BARRY AND AMBRO, CIRCUIT JUDGES

Submitted is Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1) in the above-captioned case.

Respectfully,

Clerk

MMW/RAW/clc

ORDER

The foregoing notice of appeal is treated as a request for a certificate of appealability, and so treated, is denied. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000). Appellant's claim of an unconstitutional search and seizure is not cognizable on federal habeas review. See Deputy v. Taylor, 19 F.3d 1485, 1491 (3d Cir. 1994)(quoting Stone v. Powell, 428 U.S. 465, 494 (1976)). Appellant's remaining claims of ineffective assistance of counsel are procedurally barred from federal habeas review. See Coleman v. Thompson, 501 U.S. 722, 750 (1991).

A True Copy:

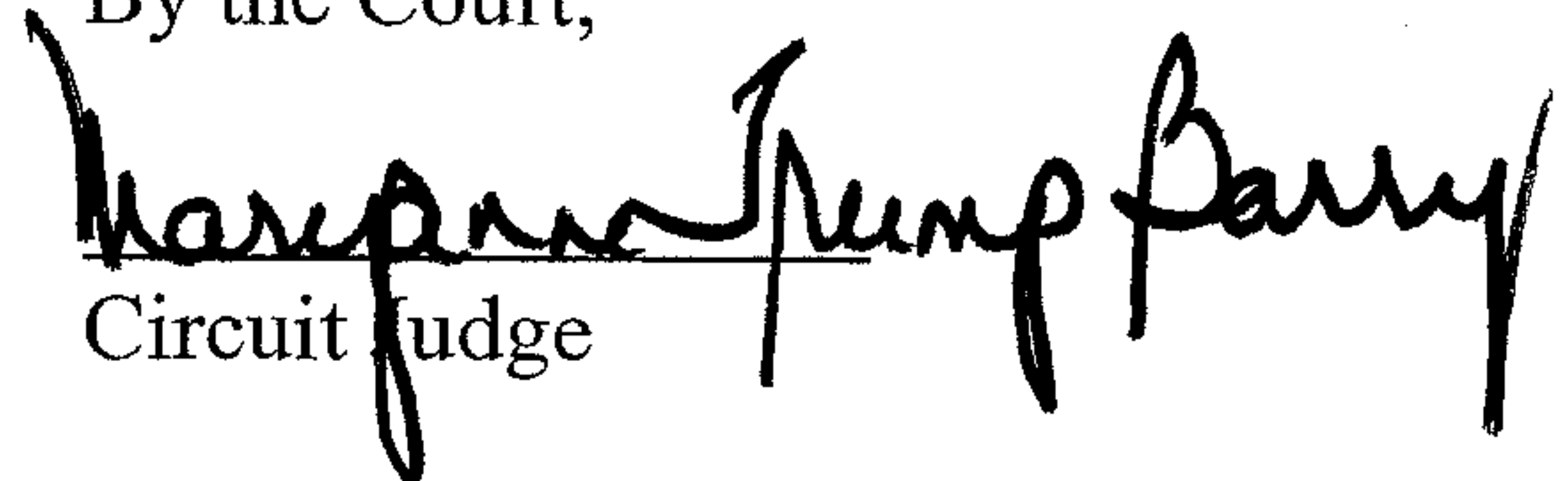


Marcia M. Waldron,
Clerk

Dated: April 30, 2003

CLC/cc: JRP
KAO

By the Court,


Circuit Judge

